

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

Bail Appl..No. 2364 of 2007

(CRIME NO.439/06 OF KALPAKANCHERRY POLICE STATION)

PETITIONER/ACCUSED

KUNHIMUTTY, S/O.SYED,KAVUMPURATH HOUSE,
MELMURI, KARAKKAD, MALAPPURAM.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENT.COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20/04/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J.

B.A.NO.2364 OF 2007

Dated this the 20th day of April, 2007

ORDER

This is an application for bail under Section 438 of the Code of Criminal Procedure.

2. The petitioner is the accused in Crime No.439/06 of Kalpakancherry Police Station. The offence alleged against the petitioner is under Section 420 of the Indian Penal Code. The case against the petitioner is that he mortgaged immovable property in favour of the defacto complainant/Co-operative Bank. He committed default in payment of the amount. On enquiry, the Bank found that the petitioner had already sold certain portion of the mortgaged property to different persons before mortgaging the property to the Bank.

3. Heard learned counsel for the petitioner and the Public Prosecutor.

4. I am not expressing any view touching upon the merits of the case or anything on the basis of the contentions put forward by the counsel for the petitioner, since it would cause

adverse effect at the time of the final disposal of the case. However, in the facts and circumstances of the case, I am of the view that anticipatory bail can be granted to the petitioner on the following terms:

In the event of the arrest of the petitioner, he shall be released on bail on his executing a bond for Rs.50,000/- (rupees fifty thousand only) with two solvent sureties for the like amount, who own immovable property in the same village as that of the accused, to the satisfaction of the Investigating Officer. Petitioner shall appear before the Investigating Officer on all Mondays between 9.00 to 11.00 a.m. until final report is filed. Petitioner shall not try to intimidate or influence the witnesses or indulge in any act which would have adverse impact on the smooth investigation of the case. Petitioner shall also appear before the Investigating Officer as and when directed by notice.

The bail application is allowed.

(K.T.SANKARAN)
JUDGE